

**United States District Court**

for the

**Eastern District of Washington**

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

OCT 20 2005

JAMES R. LARSEN, CLERK  
DEPUTY  
SPOKANE, WASHINGTON

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**

*(Probation Form 49, Waiver of Hearing is Attached)*

Name of Offender: Cyrus Nelson Albert

Case Number: 2:04CR02103-001

Name of Sentencing Judicial Officer: The Honorable Fred Van Sickle

Date of Original Sentence: 4/7/2005

Type of Supervision: Supervised Release

Original Offense: Distribution of a Controlled  
Substance, Cocaine, 21 U.S.C. § 841(c)

Date Supervision Commenced: 4/7/2005

Original Sentence: Prison - 5 Months; TSR - 36  
Months

Date Supervision Expires: 4/6/2008

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**PETITIONING THE COURT**

To modify the conditions of supervision as follows:

- 18 You shall complete 20 hours of community service work, at the rate of not less than 10 hours per month, at a not-for-profit site approved in advance by the supervising probation officer. The hours are to be completed no later than 12/18/2005.
- 19 You shall abstain from the use of alcohol and illegal controlled substances, and shall submit to urinalysis testing, including Breathalyzer testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

**CAUSE**

On September 9, 2005, Cyrus Nelson Albert failed to comply with the requirements of his home confinement program. He recently completed an inpatient treatment program at James Oldham Treatment Center in Buena, Washington, and appears to be doing fine at this time. As a corrective measure, the defendant has agreed to complete 20 hours of community service. In addition, recent 9<sup>th</sup> Circuit case law requires the Court to specify a specific number of urine tests to be set. Enclosed is a waiver signed by the defendant agreeing to the above modification of his conditions of supervised release.

Prob 12B

**Re: Albert, Cyrus Nelson**

**October 18, 2005**

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Respectfully submitted,

by 

Jose Vargas

U.S. Probation Officer

Date: October 18, 2005

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THE COURT ORDERS

- FVS ☐ No Action  
☐ The Extension of Supervision as Noted Above  
☒ The Modification of Conditions as Noted Above  
☐ Other



Signature of Judicial Officer

October 19, 2005

Date